

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

HERBERT CHANDLER,
Petitioner,

04-CV-0432E(B)

-vs-

ORDER

SUPERINTENDENT ROY A. GIRDICH,
Respondent.

The Honorable Victor E. Bianchini, a Magistrate Judge in this judicial district, having conducted all proceedings necessary pursuant to this Court's referral under 28 U.S.C. §636(b)(1)(B) and having on April 25, 2007 filed his Report and Recommendation concerning such and no objection thereto having been made, it is hereby

ORDERED that Judge Bianchini's Report and Recommendation is confirmed in its entirety, the Petition for a writ of habeas corpus is denied and this case shall be closed. Any motion for a Certificate of Appealability will be denied.

DATED: Buffalo, N.Y.

May 18, 2007

/s/ John T. Elfvin

JOHN T. ELFVIN
S.U.S.D.J.